IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.3236 of 2007

Eknath Damodar Kayangude and Anr ..Applicants.

Vs.

The State of Maharashtra ..Respondent.

Mr V. T. Tulpule with Praneet Kumar Mhaske,
Advocate,for the applicants.

Mr K. V. Saste, APP for the State.

CORAM: V.C. DAGA,J.
DATED: 8th October,2007.

P.C.:-

1. Heard learned counsel for the applicants

and learned APP for the State-respondent.

2. Perused application and the material

available on record.

3. The applicants are seeking anticipatory

bail in C.R. No. 384 of 2007 registered with Satara City Police Station, for the offence punishable under Sections 498,306 read with 34

of the I.P.C.

4. According to the prosecution, marriage

of deceased Sheetal Kaygunde took place in the year 2003. After three-four months of the said marriage, the applicants as well as their daughters started torturing deceased Sheetal, mentally and physically on a very flimsy

grounds. They were also abusing, assaulting and insulting the deceased to meet their unlawful demand of Rs. 50,000/-. Therefore, Sheetal committed suicide by hanging herself. That is how the offence came to be registered against the husband, the present applicants and their daughters on the basis of the complaint filed by the father of the deceased Sheetal; namely, Krashnat Sakharam Kadam, under the aforesaid Sections.

5. According to the applicants, the deceased Sheetal and her husband were suffering from HIV positive, because of the same, the deceased was mentally and physically frustrated. Deceased Sheetal and her husband were living in a separate house from the applicants. The applicant nos.1 and 2 are aged about 60 years and 55 years respectively. The daughters of the applicants are enlarged on bail by the order of learned Ad-hoc Additional Sessions Judge, Satara on 17.9.2007.

6. The applicants are the father-in-law and mother-in-law of the deceased. Looking to the allegations made in the F.I.R., no fruitful purpose will be served by keeping the applicants under arrest. The deceased was suffering HIV positive. No custodial

interrogation is required. In this view of the matter, I am inclined to grant anticipatopry bail to the applicants on following terms and conditions:-

a] The applicants-accused Mr Eknath Damodar Kayangude and Smt Subhadra Eknath Kayangude be released on bail in the event of their arrest in C.R.No.384 of 2007 registered with Satara City Police Station under Sections 498-A, 306 read with Section 34 of the I.P.C. in the sum of Rs.25,000/-each with one or two sureties each to make up the said amount.

(b) that they should report to concerned Police Station, once in a week i.e. on every Sunday between 3.00 to 5.00 p.m.

(c) the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(d) the applicants shall not pressurise witnesses and that they shall co-operate

with the Investigating agency.

7. The applicants are put on notice that on a report by the State in violating any of the conditions by them, mentioned herein, shall result in cancellation of this bail order.

8. This order of anticipatory bail shall remain in force till the filing of the charge sheet. It would be open for the applicants to apply for regular bail before the regular Court.

9. The application is allowed in the above terms.

(V.C. DAGA,J.)